

CONTRACT REQUEST FORM (CRF)

CEC-94 (Revised 5/11)

CALIFORNIA ENERGY COMMISSION



☐ New Contract - - ☒ Amendment to Existing Contract: 400-09-12 Amendment Number: 1

Division	Contract Manager:	MS-	Phone	CM Training Date
400 Efficiency Renewable Energy Division	Tony Wong	25	916-654-4015	

Contractor's Legal Name	Federal ID Number
Cohen Ventures, Inc. (dba Energy Solutions)	94-3374199

Title of Project
Energy Technology Assistance Program

Term	Start Date	End Date	Amount
New/Original Contract	June / 30 / 10	March / 31 / 12	\$ 5,949,739

Line up the Amendment information as best as possible in the following boxes

Amendment #	End Date (mm/dd/yy)	Amount
1	03/31/12	\$750,000

Business Meeting Information			
Proposed Business Meeting Date	11/16/11	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Discussion
Business Meeting Presenter	Tony Wong	Time Needed:	5 minutes

Agenda Item Subject and Description
Possible approval of Amendment 1 to Contract 400-09-012 with Energy Solutions to reallocate budget (\$100,000) from various tasks to project financing (Task 2.6) and to authorize upto \$750,000 beyond the original contract amount should ARRA funding become available. This amendment would enable Energy Solutions to fund additional projects that are on the waiting list. The amendment will not extend the contract period.

Business Meeting approval is not required for the following types of contracts: *Executive Director's signature is required in all cases.*

<input type="checkbox"/> Contracts less than \$10k (<i>Policy Committee's signature is also required</i>)
<input type="checkbox"/> Amendment for a no-cost time extension. Must be first extension, less than one year and original contract less than \$100k.
<input type="checkbox"/> Contracts less than \$25k for Expert Witness in Energy Facility licensing cases and amendments.

Purpose of Contract or Purpose of Amendment, if applicable
This amendment request is: (1) for the reallocation of funds among task budgets to achieve the adjusted retrofit goals for municipal buildings and (2) for the authorization of adding \$750,000 to task 2.6 to maximize the participation goal for the ETAP Program. ETAP has a waiting list of signed, submitted applications for 23 projects representing \$613,811 in additional rebates (annual savings of 2,573,000 kWh and 46,200 therms, and peak demand reductions of 166 kW), as well as a pool of developed projects progressing towards submitting applications (rebates totalling \$238,739, annual savings of 1,176,000 kWh, and peak demand reductions of 85 kW). In most cases, ETAP rebates are a determining factor in motivating project proponents to move forward with installation and leveraging utility and other funding. ETAP actively tracks project schedules for each project in its queue in order to ensure projects are completed on time. The program could use an additional \$750,000 in rebates to fund these additional projects that could be completed in advance of the March 31, 2012 Federal deadline. The amendment will not extend the contract period.

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**California Environmental Quality Act (CEQA) Compliance**

1. Is Contract considered a "Project" under CEQA?

☒ Yes: skip to question 2☐ No: complete the following (PRC 21065 and 14 CCR 15378):

Explain why contract is not considered a "Project":

Contract will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because _____.

2. If contract is considered a "Project" under CEQA:

☒ a) Contract **IS** exempt. (Draft NOE required)☐ Statutory Exemption. List PRC and/or CCR section number:☒ Categorical Exemption. List CCR section number:

Section 15301 (repair and minor alteration of existing public or private structures)

Section 15302 (replacement or reconstruction of existing structure)

Section 15306 (information collection)

Section 15308 (action to protect the environment)

Section 15322 (education or training)

☒ Common Sense Exemption. 14 CCR 15061 (b) (3)

Explain reason why contract is exempt under the above section:

Contract will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because the work involves primarily energy audits and energy efficiency upgrade improvements for commercial buildings.

☐ b) Contract **IS NOT** exempt. The Contract Manager needs to consult with the Energy Commission attorney assigned to their division and the Siting Office regarding a possible Initial Study.**Budgets Information**

Contract Amount Funded		Breakdown by FY			Funding Sources			
Funding Source	Amount	FY	Amount	Approved ?	Funding Source	FY	Budget List No.	Amount
ARFVTF	\$		\$	No	Funding Source			\$
ECAA	\$		\$	No	Funding Source			\$
State- ERPA	\$		\$	No	Funding Source			\$
Federal	\$750,000	09-10	\$750,000	No	Funding Source	09-10	901.003J	\$750,000
PIER - E	\$		\$	No	Funding Source			\$
PIER - NG	\$		\$	No	Funding Source			\$
Reimbursement	\$		\$	No	Funding Source			\$
RRTF	\$		\$	No	Funding Source			\$
Other:	\$		\$	No	Other:			\$
TOTAL: \$750,000		TOTAL:	\$750,000		TOTAL: \$750,000			
Reimbursement					Federal Agreement #: JE-EE0000221			

Contractor's Administrator/ Officer

Name:	Carla Violet	Name:	Forest Kaser
Address:	1610 Harrison Street	Address:	1610 Harrison Street
City, State, Zip:	Oakland, CA 94612	City, State, Zip:	Oakland, CA 94612
Phone/ Fax:	510-482-4420x262	Phone/ Fax:	510-482-4420x217
E-Mail:	cviolet@energy-solution.com	E-Mail:	fkaser@energy-solution.com

Contractor Is

- ☒ Private Company (including non-profits)
- ☐ CA State Agency (including UC and CSU)
- ☐ Government Entity (i.e. city, county, federal government, air/water/school district, joint power authorities, university from another state)

Selection Process Used

- ☐ Solicitation RFP Solicitation #: 400-09-402 # of Bids: 60 Low Bid? ☒ No ☐ Yes
- ☐ Non Competitive Bid (Attach CEC 96)
- ☐ Exempt Select Exemption (see instructions)

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**Civil Service Considerations**

- ☐ Not Applicable (Contract is with a CA State Entity or a membership/co-sponsorship)
- ☐ Public Resources Code 25620, et seq., authorizes the Commission to contract for the subject work. (PIER)
- ☒ The Services Contracted:
- ☒ are not available within civil service
 - ☒ cannot be performed satisfactorily by civil service employees
 - ☒ are of such a highly specialized or technical nature that the expert knowledge, expertise, and ability are not available through the civil service system.
- ☐ The Services are of such an:
- ☐ urgent
 - ☐ temporary, or
 - ☐ occasional nature
- that the delay to implement under civil service would frustrate their very purpose.

Justification:**Payment Method**

- ☒ A. Reimbursement in arrears based on:
- ☒ Itemized Monthly
 - ☐ Itemized Quarterly
 - ☐ Flat Rate
 - ☐ One-time
- ☐ B. Advanced Payment
- ☐ C. Other, explain:

Retention

1. Is contract subject to retention? ☐ No ☒ Yes
- If Yes, Do you plan to release retention prior to contract termination? ☒ No ☐ Yes

Justification of Rates

The contract was awarded from a RFP that judged based upon cost score

Disabled Veteran Business Enterprise Program (DVBE)

1. ☐ Not Applicable
2. ☒ Meets DVBE Requirements DVBE Amount:\$ \$215,490 DVBE %: 3%
- ☐ Contractor is Certified DVBE
 - ☒ Contractor is Subcontracting with a DVBE: Phoenix 1, Integrity Electric, William Porter Photography
3. ☐ Contractor selected through CMAS or MSA with no DVBE participation.
4. ☐ Requesting DVBE Exemption (attach CEC 95)

Is Contractor a certified Small Business (SB), Micro Business (MB) or DVBE?

If yes, check appropriate box: ☐ SB ☐ MB ☐ DVBE

Is Contractor subcontracting any services?

If yes, give company name and identify if they are a Small Business (SB), Micro Business (MB) and/or DVBE:

Company Name	No	SB	MB	DVBE
Federspiel Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Integrity Electric	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Phoenix 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Miscellaneous Contract Information

1. Will there be Work Authorizations? ☒ No ☐ Yes
2. Is the Contractor providing confidential information? ☒ No ☐ Yes
3. Is the contractor going to purchase equipment? ☒ No ☐ Yes
4. Check frequency of progress reports
- ☒ Monthly
 - ☐ Quarterly
 - ☐ Other...
5. Will a final report be required? ☐ No ☒ Yes
6. Is the contract, with amendments, longer than a year? If yes, why? ☐ No ☒ Yes
- The Term of the ARRA SEP funds is through March 31, 2012

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**The following items should be attached to this CRF**

1. Scope of Work, Attach as Exhibit A.	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
2. Budget Detail, Attach as Exhibit B.	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Attached
3. CEC 96, NCB Request	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Attached
4. CEC 30, Survey of Prior Work	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
5. CEC 95, DVBE Exemption Request	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
6. Draft CEQA Notice of Exemption (NOE)	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
7. Resumes	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Attached
8. CEC 105, Questionnaire for Identifying Conflicts		<input checked="" type="checkbox"/> Attached
9. CEC 106, IT Component Reporting Form		<input checked="" type="checkbox"/> Attached

Contract Manager_____
Date_____
Office Manager_____
Date_____
Deputy Director_____
Date

The following signatures are only required when contract approval is delegated to the Executive Office and not approved at a Business Meeting.
See Business Meeting Information Section.

Presiding Policy Committee_____
Date_____
Associate Policy Committee_____
Date_____
Executive Director_____
Date